

**REMARKS**

In the Office Action, the Examiner rejected Claims 1 and 2. Specifically, the Examiner rejected Claims 1 and 2 under: 35 U.S.C. § 102 (b) as being anticipated by *Phillips* (U.S. Patent No. 6,183,633); 35 U.S.C. § 102 (e) as being anticipated by *Turner Jr. et al.* (U.S. Patent No. 6,478,954); and 35 U.S.C. § 102 (b) as being anticipated by *Olson* (U.S. Patent No. 1,302,839) or *Martinez* (U.S. Patent No. 6,217,756). In addition, the Examiner rejected Claim 1 under 35 U.S.C. § 102 (b) as being anticipated by *Bonneau* (U.S. Patent No. 4,046,161) or *Sass* (U.S. Patent No. 1,666,756); and under 35 U.S.C. 102(e) as being anticipated by *Use* (U.S. Patent No. 6,797,161).

In response to the Office Action, Applicant submits this response and respectfully requests the Examiner to reconsider the pending claims in light of the following remarks and above presented clarifying amendments. In addition, Applicant amends Claims 1 and 2 and adds new Claims 3-10 to clarify Applicant's claimed invention. Applicant respectfully submits that none of the cited references teach or disclose Applicant's claimed invention as recited in Claims 1-10. No new matter is believed to be added by the claim amendments or new claims. After entry of this response, Claims 1-10 are pending.

**1. The Pending Claims Are Patentable Over The Cited References**

Applicant has amended Claim 1 to include "a torque limiting device to lock the baffle in the first position, to unlock the baffle at a predetermined hydraulic gradient force such that the baffle moves toward the second position, and to enable the baffle to return to and lock in the first position when the hydraulic gradient falls below the predetermined hydraulic gradient force." Applicant respectfully submits that none of the cited references teach or disclose such a feature. Specifically, none of the cited references teach a baffle system that locks into the first position, unlocks from the first position at a predetermined force, and then returns to and locks into the first position. Moreover, Applicant respectfully submits that none of the cited references, either individually or collectively, teach a baffle system that locks in the first position and automatically returns to and locks into the first position after moving toward the second position. Applicant's claimed invention provides a baffle system that prevents damage to the baffle while preventing a large amount of unwanted debris from reaching a water treatment facility.

Applicant, therefore, respectfully submits that the cited references do not disclose each and every claimed limitation of Claim 1 and that independent Claim 1 is in condition for allowance. Applicant further submits that dependent Claims 2-10 are also in condition for allowance because these claims depend from Claim 1. Accordingly, Applicant respectfully submits that dependent Claims 2-10 are also in condition for allowance and respectfully requests reconsideration of these claims. Withdrawal of the 35 U.S.C. § 102 rejections is respectfully requested.

## 2. Claims 3-10

Applicant adds new Claims 3-10. Claims 3-10 are supported by the Specification (Pages 2-5) and thus it is believed that these claims do not contain new matter. Applicant respectfully submits that these Claims are patentable over the cited references because they depend from allowable Claim 1 and for the further limitations contained therein. Accordingly, Applicant submits that Claims 3-10 are in condition for allowance over the cited references.

### FEES AND PETITION FOR EXTENSION OF TIME

This response is being filed within four months of the January 10, 2005 Office Action thus Applicant petitions for a one month extension of time to file this Response. Applicant submits herewith a petition (PTO Form SB/22) and authorizes the Commissioner to debit Deposit Account 20-1507 for the one-month extension fee (\$120.00). No other fees, including claims fees, are believed due, but the Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayments, to Deposit Account No. 20-1507.

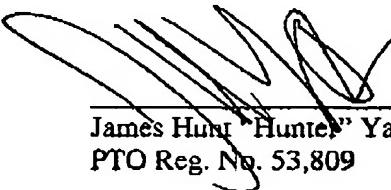
**CONCLUSION**

The foregoing is a complete response to the Office Action mailed January 10, 2005. Applicant respectfully submits that Claims 1-10 are patentable and respectfully requests passing of this Application in due course of Patent Office business.

If the Examiner believes there are other issues that can be resolved by a telephone interview, or there are any informalities that remain in the application which may be corrected by an Examiner's amendment, a telephone call to Hunter Yancey at (404) 885-3696 is respectfully solicited.

Respectfully submitted,

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